

The South Saskatchewan River Irrigation Act

Repealed

by [Chapter I-14.1 of the *Statutes of Saskatchewan, 1996*](#)
(effective January 1, 1997).

Formerly

[Chapter S-56 of the *Revised Statutes of Saskatchewan, 1978*](#)
(effective February 26, 1979) as amended by the [Statutes of Saskatchewan, 1983-84, c.6 and 63; 1989-90, c.5 and 54; and 1991, c.T-1.1.](#)

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-56

An Act to provide for the establishment and development of the South Saskatchewan River Irrigation Project

WHEREAS the Government of Saskatchewan entered into an agreement with the Government of Canada, dated the twenty-fifth day of July, 1958, with respect to the construction of a dam located on the South Saskatchewan River near the Town of Outlook; and

Whereas Saskatchewan agreed to complete construction of Irrigation Works to the extent necessary to provide full irrigation to not less than 50,000 acres of land.

SHORT TITLE

Short title

1 This Act may be cited as *The South Saskatchewan River Irrigation Act*.

INTERPRETATION

Interpretation

2 In this Act:

- (a) “**board**” means the board of trustees of a district;
- (b) “**district**” means an irrigation district established under section 3;
- (c) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

R.S.S. 1978, c.S-56, s.2, 1983-84, c.63, s.12.

ESTABLISHMENT OF IRRIGATION DISTRICTS

Power to establish irrigation districts

3(1) Where either before or after the coming into force of this Act the Lieutenant Governor in Council has under section 24 of *The Water Resources Commission Act, Revised Statutes of Saskatchewan, 1965* chapter 361, designated as a multi-purpose project the South Saskatchewan River Project and irrigation is one of the purposes, the Lieutenant Governor in Council may by order establish an irrigation district or districts for the use of such project water.

(2) An order establishing a district under subsection (1) shall designate:

- (a) the lands to be included in the district;
- (b) the name and number of the district.

- (3) The Lieutenant Governor in Council may by order:
- (a) add lands to or withdraw lands from a district;
 - (b) disestablish a district.

R.S.S. 1978, c.S-56, s.3.

Duty of minister to file a notice in respect of each parcel of land in the district

4(1) Where a district has been established the minister may in respect of each parcel of land in the district file in the land titles office for the land registration district within which the parcel of land is situated an instrument setting forth the description of the parcel of land and stating that the parcel of land is subject to this act and the registrar shall enter the instrument in the instrument register and:

- (a) where a certificate of title has been issued to the parcel of land to which the notice relates, he shall endorse a memorandum of the notice upon the certificate of title; or
 - (b) where no certificate of title has been issued to the parcel of land to which the notice relates he shall endorse a memorandum of the notice upon the certificate of title if and when it is issued.
- (2) Where no certificate of title has been issued to a parcel of land in the district the minister shall, in addition to filing the notice mentioned in subsection (1), file a copy of the notice with the department or agency of the Government of Saskatchewan that has the administration and control of the parcel of land.

R.S.S. 1978, c.S-56, s.4.

POWERS OF MINISTER

Powers of minister

5 Subject to the regulations and to *The Water Corporation Act*, the minister may, with respect to a district:

- (a) plan, construct, operate and maintain an irrigation system and works;
- (b) alter, improve and extend the irrigation system and works;
- (c) by surveyors, engineers, agrologists, workmen and servants, enter upon any land for the purpose of carrying out surveys and the planning, construction, operation, and maintenance of an irrigation system and works, and any alterations, improvements, or extensions in respect of the irrigation system or works, and the provisions of section 73 of the *Water Corporation Act* apply *mutatis mutandis*;
- (d) out of moneys appropriated by the Legislature for the purpose, make grants for:
 - (i) the operation and maintenance of the project;
 - (ii) meeting expenses or deficits incurred by the board of the district;

- (iii) assisting farmers in land development;
- (iv) the construction of water control works;
- (v) such other matters as may be approved by the Lieutenant Governor in Council;
- (e) with the approval of the Lieutenant Governor in Council enter into any agreement with the Government of Canada, or any agency thereof, respecting or in any way relating to an irrigation system and works;
- (f) recommend to the Minister of Agriculture the utilization or disposition of lands acquired for or in connection with the project in accordance with the powers of that minister pursuant to *The Provincial Lands Act*, *The Agricultural Development and Adjustment Act*, the regulations made pursuant to those Acts and the regulations made pursuant to this Act or lease or transfer those lands to the board in accordance with the regulations made pursuant to this Act;
- (g) employ such officers and employees as are required for the purposes of this Act;
- (h) do anything necessary or incidental to the exercise of the powers mentioned in this section.

R.S.S. 1978, c.S-56, s.5; 1983-84, c.63, s.12.

Agreements

6 Subject to *The Water Corporation Act*, the minister may from time to time with the approval of the Lieutenant Governor in Council:

- (a) enter into an agreement or agreements with the board of any district providing for:
 - (i) the development of irrigation projects;
 - (ii) the construction of irrigation works;
 - (iii) the operation of an irrigation system and the maintenance and replacement of the works of the irrigation system;
 - (iv) the payment by the province of any portion of the costs incurred under any such agreement;
 - (v) the disposal by sale, transfer or otherwise of an irrigation system or works or any part thereof;
- (b) do all things necessary or expedient to carry out the terms of an agreement entered into under this section; and
- (c) expend such moneys as are necessary to carry out the terms of an agreement for the development of irrigation projects, for the construction of the irrigation works, for the operation of an irrigation system, and for the maintenance and replacement of the irrigation works.

R.S.S. 1978, c.S-56, s.6; 1983-84, c.63, s.12.

LOANS

Power of minister to make loans

7 Subject to the regulations, the minister may make loans to farmers in districts for the purpose of assisting them to increase their incomes through land improvement, the acquisition of livestock, machinery and equipment, the erection or improvement of buildings or for the purpose of acquiring working capital, or for such other purposes, including the purchase of land, as may be deemed necessary to assist such farmers in developing their farms and increasing the income derived therefrom.

R.S.S. 1978, c.S-56, s.7.

Qualifications of applicants

8 The Lieutenant Governor in Council may prescribe by regulations the minimum qualifications required of applicants for loans under this Act.

R.S.S. 1978, c.S-56, s.8.

Limitation on amounts of loans

9 Loans made to any one borrower during any period of two years shall not exceed in the aggregate the sum of \$25,000, but in each period of two years after the making of the first loan to a borrower further loans not exceeding in the aggregate the sum of \$25,000 may be made to him if the minister considers that satisfactory progress has, through the proceeds of previous loans, been made by the borrower towards the development of his farm, but the total of all loans made to any one borrower shall not exceed \$50,000.

R.S.S. 1978, c.S-56, s.9.

Rate of interest

10(1) Loans made under this Act shall bear interest at the rate specified by the Lieutenant Governor in Council in the regulations.

(2) The Lieutenant Governor in Council may make regulations with respect to the waiving or deferring of the payment of interest under any loan made under this Act.

R.S.S. 1978, c.S-56, s.10.

Security

11 Every loan shall be secured by a mortgage on chattels or farm land owned by the borrower and such other security as may be appropriate and every mortgage shall contain such covenants, provisions and terms respecting repayments of the loan as may be prescribed by the minister subject to the regulations, if any.

R.S.S. 1978, c.S-56, s.11; 1967, c.49, s.3.

Limitation on total amount of loans

12 The total principal amount outstanding at any time in respect of loans made under this Act shall not exceed \$5,000,000.

R.S.S. 1978, c.S-56, s.12.

Guarantee of loans made by banks or credit unions

13(1) The Minister of Finance may, subject to the regulations, guarantee on behalf of Saskatchewan the repayment of moneys lent by chartered banks or by credit unions, together with interest thereon, to farmers for any purpose mentioned in section 7.

(2) The liability of Saskatchewan under guarantees made under subsection (1) shall not at any time exceed \$5,000,000.

R.S.S. 1978, c.S-56, s.13.

Agreements with Canada respecting loans

14(1) The Lieutenant Governor in Council may authorize the minister to enter into agreements with the Government of Canada providing for the undertaking jointly with the Government of Canada, or any agency thereof, of special programs, including the purchase of land, for the making of loans to farmers in districts in order to assist them in expanding and adjusting their farming enterprises, including the making of loans under section 7.

(2) An agreement entered into under subsection (1) may provide for the sharing of losses in respect of loans, the sharing of costs of administration, supervision and technical advice and the making of arrangements for the provision of moneys required for the making of loans.

R.S.S. 1978, c.S-56, s.14.

ACQUISITION OF LAND

Powers of minister

15(1) The minister may for the purpose of an irrigation system or works:

- (a) acquire land or an interest in land by agreement with the owner of the land;
- (b) acquire a right or privilege with respect to land by an easement agreement with the owner of land and *The Public Utilities Easement Act* shall apply *mutatis mutandis* with respect to such an easement agreement; and
- (c) enter upon and take land or any interest in or right or privilege with respect to land.

(2) For the purpose of entering on and taking land or any right or privilege with respect to land pursuant to clause (1)(c), the minister has and may exercise the same powers as the Saskatchewan Water Corporation has pursuant to *The Water Corporation Act* to enter on and take land or an easement or interest in or with respect to land pursuant to sections 18 to 20 of *The Water Corporation Act*.

(3) Subject to subsection (4), any land, and any interest in or right or privilege with regard to land acquired under this act shall, when no longer required for the purposes of the minister, be sold, leased or otherwise disposed of.

(4) Where land or any interest in or a right or privilege with regard to land is to be sold, leased or otherwise disposed of pursuant to subsection (3) it shall if practicable be sold, leased or otherwise disposed of to the person from whom it was acquired.

R.S.S. 1978, c.S-56, s.15; 1983-84, c.6, s.17;
1983-84, c.63, s.12.

CONSTITUTION OF THE BOARD

Board of trustees

16(1) There shall be a board of trustees, who subject to this Act, shall manage the affairs of the district.

(2) The board shall be a body corporate.

(3) The board shall consist of five persons.

(4) A majority of the members shall constitute a quorum.

R.S.S. 1978, c.S-56, s.16.

Membership of board

17(1) Subject to subsection (2):

(a) three of the members of the board shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure;

(b) two of the members shall be elected and shall hold office, subject to subsection (2), for a term prescribed by the regulations;

(c) the Lieutenant Governor in Council shall designate one of the appointed members to be general manager of the district and chairman of the board.

(2) Where the water rate is being charged in respect of two-thirds or more of the irrigable land in the district the Lieutenant Governor in Council by order may:

(a) where the board consists of appointed and elected members terminate the terms of office of the appointed and elected members of the board on a day to be fixed by the order, and provide for the election of five persons to serve as members of the board;

(b) where the board consists of elected members terminate the term of office of the elected members on a day to be fixed by the order and:

(i) arrange for an election to be held to elect five persons to serve as trustees; or

(ii) appoint three members of the board and arrange for the election of the other two members; or

(iii) make such other arrangement as he deems advisable for the conduct of the duties of the board.

R.S.S. 1978, c.S-56, s.17.

ELECTION OF TRUSTEES

Voters and trustees

18 The persons eligible for election as trustees and entitled to vote at an election of trustees of a district shall be those designated by the regulations.

R.S.S. 1978, c.S-56, s.18.

Election proceedings

19 The proceedings for nomination of candidates for election as trustees of a district, and the proceedings preliminary to, during and subsequent to an election, including proceedings in case of a recount shall be prescribed by the regulations and shall follow, as nearly as may be, section 20 of *The Conservation and Development Act*, and the regulations made thereunder.

R.S.S. 1978, c.S-56, s.19.

Election not invalidated by irregularity, etc.

20 No election shall be declared invalid by reason of noncompliance with the provisions of the regulations as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms prescribed by the regulations or by reason of any other irregularity, if it appears to the minister that the election was conducted in accordance with the principles laid down in the regulations and that such non-compliance, mistake or irregularity did not affect the result of the election.

R.S.S. 1978, c.S-56, s.20.

POWERS OF BOARD

Powers and duties

21 Subject to the regulations and to *The Water Corporation Act*, the board shall have the power to enter into any agreement and do all things necessary or incidental to the construction, maintenance, operation and management of the irrigation system and works and all alterations, improvements, extensions and additions from time to time thereto, and without in any way restricting the generality of the foregoing, shall have the power and duty:

- (a) to administer lands, grants and loans to farmers through agreements with the minister;
- (b) to supply water in bulk or otherwise for irrigation, or domestic purposes to, for, or upon lands inside or outside the district;
- (c) to enter into, enforce, determine or otherwise deal with agreements for the supply of water for irrigation or domestic purposes;

- (d) by a member of the board or by surveyors, engineers, agrologists, workmen and servants to enter upon any land for the purpose of making surveys and carrying out the maintenance and operation of the irrigation system and works and any alterations, improvements, extensions or additions from time to time thereto, and for such purpose the board shall have and may exercise under this Act the same powers and responsibilities as are conferred upon the minister under this Act and the Saskatchewan Water Corporation pursuant to *The Water Corporation Act*, for the purposes of that Act;
- (e) to construct, maintain, reconstruct and renew all irrigation works and any works associated with such other purposes as may be approved by the Saskatchewan Water Corporation;
- (f) to operate any irrigation system or works constructed under the provisions of this section or pursuant to any agreement with the minister;
- (g) to purchase electric or mechanical power for pumping purposes either by long term contract or otherwise upon such terms and conditions as may be approved by the minister;
- (h) to acquire by gift or to purchase or enter into agreements for the purchase of lands within, without, or partially within and partially without the district and to hold, lease or sell such lands;
- (i) to manage, add improvements to, cultivate and carry on any farming operations on any or all of the land vested in it or under its supervision.

R.S.S. 1978, c.S-56, s.21; 1983-84, c.63, s.12.

Regulations and bylaws

22(1) The board may, subject to the approval of the minister:

- (a) make regulations and bylaws in respect of matters not specifically provided for by this Act:
 - (i) for the purpose of governing its proceedings, calling meetings and appointing committees;
 - (ii) for ensuring the equitable distribution of water, and disposal of any water surplus to the requirements of the district;
 - (iii) for cutting off and stopping the supply of water to a parcel of land; and
 - (iv) for conducting appeals to the board and to the Saskatchewan Municipal Board with regard to the classification of irrigable land;
 - (v) generally, as the interest of the district requires, so long as they are not contrary to this Act and are consistent with the object for which the district was created; and
- (b) repeal, alter and amend its regulations and bylaws.

(2) A bylaw shall be given three readings before its final passing but not more than two readings shall be given the bylaw at any one meeting except by the unanimous vote of the trustees present.

(3) A copy of a bylaw written or printed without erasure or interlineation, under the seal of the board, and certified to be a true copy by the secretary and a trustee and purporting to be approved by the minister, is authentic and shall be received in any court as *prima facie* proof of its final passing and of the contents thereof, unless it is specially pleaded or alleged that the seal or the signature of the secretary or trustee has been forged or that the minister has not lawfully approved the bylaw.

(4) A bylaw finally passed by the board and approved by the minister is valid and binding notwithstanding any want of substance of form therein or in the proceedings prior thereto or in the time and manner of passing thereof.

R.S.S. 1978, c.S-56, s.22; 1989-90, c.5, s.14.

Payment of members of board

23 A board may pass a bylaw for paying the members thereof, but in no case shall the payment of any member exceed:

- (a) a sum, fixed by the minister, for each day of attendance at board meetings, or for each day of employment upon the necessary business of the board as directed by the board; and
- (b) necessary travelling expenses according to a scale, determined by the minister.

R.S.S. 1978, c.S-56, s.23.

Staff

24(1) The board may employ such officers and employees as it deems necessary for the proper performance of its work.

(2) Subject to subsection (3) a person employed by a board shall be deemed to be a member of the public service within the meaning of clause (o) of section 2 of *The Public Service Act* for the purposes of classification, determination of remuneration and conditions of employment and, subject to subsection (4), for purposes of *The Public Service Superannuation Act*.

(3) Subsection (2) does not apply to a person employed by a board all the members of which are elected except that a person who is a contributor under *The Public Service Superannuation Act* at the time he becomes employed with that board may, subject to subsection (4), while so employed continue to be a contributor under that Act and to be entitled to the benefits of that Act as if he were an employee in the public service.

(4) Where:

- (a) all the members of a board are elected the board may in respect of a person eligible under subsection (3) to be a contributor under *The Public Service Superannuation Act*;

(b) the majority of the members of a board are appointed the board shall in respect of an employee;

deduct monthly from that person's salary the contribution required by *The Public Service Superannuation Act* and shall remit the amount of the contribution, together with an amount equal to the amount of the contribution, to The Public Service Superannuation Board and where such an amount is remitted in respect of a person he is entitled to the benefits under that Act.

(5) The board may engage the services of experts and persons engaged in the practice of a profession and pay the salaries or remuneration of all such persons.

R.S.S. 1978, c.S-56, s.24.

All property received by board property of Her Majesty

25(1) All property both real and personal and all moneys acquired or received by the board in the exercise of its powers and duties shall be the property of Her Majesty until such time as they are transferred to the board under agreements made pursuant to section 6.

(2) The board except in cases where direct payments are made by the minister shall pay from the moneys acquired or received, so far as such moneys will extend;

- (a) all salaries and wages;
- (b) amounts payable under section 24; and
- (c) all expenses and liabilities arising out of:
 - (i) the maintenance, operation and management of the irrigation system and works and all alterations, improvements, extensions and additions from time to time made thereto;
 - (ii) the exercise by the board of any of its powers and duties.

(3) Where at any time the moneys in the hands of the board are not sufficient to pay the salaries, wages, amounts, expenses and liabilities as mentioned in subsection (2), the Minister of Finance, with the approval of the Lieutenant Governor in Council is hereby authorized to make advances to the board of such sums as are from time to time required for the purpose of paying such salaries, wages, amounts, expenses or liabilities.

R.S.S. 1978, c.S-56, s.25.

Bonding officials

26 All persons employed by the board who in the course of their employment receive or disburse cash, and such other officials or employees as the minister deems advisable, shall be bonded in such sums as may be required by the board for duly accounting for moneys or goods that come into their hands or under their control.

R.S.S. 1978, c.S-56, s.26.

Fiscal year and audit

27(1) The fiscal year of the board shall be established by the regulations.

(2) The books and records of the board shall be subject to examination and audit by the Provincial Auditor or by such person as the Lieutenant Governor in Council may designate.

R.S.S. 1978, c.S-56, s.27.

WATER RATES**Board to estimate amount required to pay water service charge**

28(1) The board, not later than the first day of April in each year, shall make an estimate of the amount required to pay the water service charge being all the expenses connected with the administration of the district and the diversion, distribution and drainage of water, and the maintenance of the irrigation system and works for the ensuing fiscal year, including:

- (a) any payments into a fund to provide for the maintenance and replacement of the irrigation system and works;
- (b) any payments for water supply service to the district;
- (c) any payments for new expenditure; and
- (d) any costs related to agreements and services.

(2) Where the amount mentioned in subsection (1) is not otherwise provided the board shall establish a water rate or a tariff of water rates, whereby there will be imposed upon each parcel of land within the district in respect of each acre of land irrigated, or to be irrigated, and in respect of an acreage of irrigable land on which the imposition of such rates has been approved by the board and the minister, during the current year as shown in the water rates record, rates that shall be sufficient in the aggregate to bring in the amount estimated to be required for the water service charge, and if a rate or tariff of water rates is established, the rate imposed may be varied as between different parcels of land, having regard to such factors as may be determined by the board and approved by the minister.

(3) Any water rate imposed shall be sufficient to bring in the amount of the estimate after making all due and reasonable allowances for the cost of collection and abatement for losses that occur in the collection of the water rate and having regard to:

- (a) any schedule in the application of, or any ceiling imposed on the water rates outlined in an agreement with or in a policy established by the minister;
- (b) grants to be made by the minister; and
- (c) other sources of revenue.

(4) No water rate fixed by the board shall be effective until approved by the minister.

R.S.S. 1978, c.S-56, s.28.

Land classification

29(1) The acres in a parcel of land to be classified as either irrigated or irrigable shall be determined by the board and the board may vary the classification thereof from time to time.

(2) Where an objection is made to the classification of acres as irrigated or irrigable, any water user affected by the classification may appeal the classification to the board.

(3) Upon receipt of an appeal under subsection (2) the board after such inquiries and investigations as are deemed necessary, shall render a decision.

(4) An appeal from a decision of the board under subsection (3) lies to the Saskatchewan Municipal Board not only against the decision of the board but also against the omission, neglect, or refusal of the board to hear or decide a complaint or an appeal.

R.S.S. 1978, c.S-56, s.29; 1989-90, c.5, s.14.

Value of water for domestic purposes charged against parcel

30(1) For the purposes of this section “**parcel**” includes land along or contiguous to or through which pass any ditches, canals, spillways, or irrigation works of the district, as well as land contiguous to any creeks, sloughs, lakes, or other reservoirs fed by water diverted by means of the undertaking or irrigation works of the district.

(2) Notwithstanding the provisions of *The Water Corporation Act*;

(a) the board in each year may estimate the value of the benefit for domestic purposes of water supplied to any parcel within or without the district or used by the owner, purchaser, lessee or occupant or occupier thereof; and

(b) the estimated value of the benefit of the water so supplied or used shall be subject to the approval of the minister and shall be charged against the said parcel and all the provisions of this Act with respect to the collection and recovery of water rates shall apply thereto.

(3) The board shall establish a tariff of water rates which shall be the basis for estimating the benefit accruing to a parcel and in establishing the tariff the board may differentiate between and establish different rates for persons receiving water for domestic purposes only and those receiving water for both domestic and irrigation purposes.

(4) The charge for domestic purposes shall be a first lien and charge upon each parcel assessed with respect to water for domestic purposes, and upon all crops and other farm produce grown or produced by the owner, purchaser, lessee or occupant or occupier, and shall be collectable in the same manner and to the same extent as water rates.

(5) The tariff established under subsection (3) insofar as it applies to water for domestic purposes, shall be revised annually or from time to time as circumstances require, and in accordance with the board’s estimate as approved by the minister.

R.S.S. 1978, c.S-56, s.30; 1983-84, c.63, s.12.

WATER RATES RECORD

Board to prepare water rates record

31(1) The board shall prepare and keep in its office a record which shall be called the water rates record in which shall be set down such of the following as are applicable in each case:

- (a) the name of the owner, and if any, the names of the purchaser, lessee, occupant or occupier and each of them, of each parcel of land in the district, and his or their post office address if known, indicating after each name whether the name is that of an owner, purchaser, lessee, occupant or occupier;
 - (b) the description of the parcel of land or of the parcel as defined in subsection (1) of section 30;
 - (c) the number of acres in the parcel of land that are classified as irrigable;
 - (d) the number of acres in the parcel of land irrigated or to be irrigated according to a schedule outlined in the irrigation policy for the district;
 - (e) in the case of a parcel as defined in subsection (1) of section 30, the estimated value of the benefit for domestic purposes of water supplied;
 - (f) the amount imposed for water rates, or otherwise;
 - (g) the amounts paid and remaining unpaid from time to time on water rates, or otherwise including interest.
- (2) The water rates record shall remain in the office of the board, and shall be open for inspection at all reasonable times.
- (3) The board shall cause to be recorded with the date of the receipt all amounts paid for water rates or otherwise in the water rates record under the legal description of the parcel of land in respect of which the payment is made and shall issue an official receipt for every payment.

R.S.S. 1978, c.S-56, s.31.

Settling disputes

32(1) The acres to be shown in the water rates record from year to year as being either irrigated or to be irrigated shall be determined by the board, having regard to such factors as may be approved by the minister.

(2) Where an objection is made to a determination made by the board under subsection (1), a water user affected by the determination may appeal the determination to the minister whose decision is final and conclusive for all purposes.

R.S.S. 1978, c.S-56, s.32.

Board to deliver statement of and demand for water rates

33(1) The board shall after the completion of the water rates record leave at the usual residence or place of business of or transmit by mail to each person whose name appears on the record or to any agent of the person in the district a statement of and a demand for the water rates or other amounts charged against him.

(2) The statement shall state the day on which the amounts charged are required to be paid.

(3) The board shall enter the date of delivery or mailing of the notice in the water rates record under the name of the person charged and the legal description of the land and the entry shall be *prima facie* evidence of the due delivery of the statement and demand.

(4) The board, by a bylaw approved by the minister, may in respect of an amount that has not been paid on the due date set the rate of interest to be charged or the date from which it is to be computed or both.

(5) Nothing contained in this section shall be construed to extend the time for payment of the water rates or charges under sections 28 and 30.

R.S.S. 1978, c.S-56, s.33.

Lieutenant Governor in Council may waive payment of water rates

34(1) The Lieutenant Governor in Council may waive payment of any or all water rates, or any part thereof with respect to any parcel or parcels of land within the district.

(2) Where at any time the payment of any or all water rates, or any part thereof is waived by the Lieutenant Governor in Council, the Minister of Finance shall pay to the board such sums as would have been payable to the board except for the provisions of this section.

R.S.S. 1978, c.S-56, s.34.

Refunds

35 Where it appears to the board that the payment of all or part of the water rates and interest, if any, would cause an injustice or hardship, the board may, with the consent of the minister, cancel or refund all or part of the water rates and interest, if any, owing or paid on the parcel or portion thereof.

R.S.S. 1978, c.S-56, s.35.

Water rates a special lien on land

36(1) Notwithstanding that the water rates payable by any water user are calculated with respect to the number of acres of his land that are irrigated or to be irrigated they shall when calculated form a special lien upon each parcel of land within the district that contains any portion of the land irrigated or to be irrigated.

(2) The water rates accruing upon or in respect of any land in the district shall be a special lien upon the land having priority over all claims, liens, privileges or encumbrances thereon.

R.S.S. 1978, c.S-56, s.36.

Water rates recoverable by suit

37(1) All water rates or arrears of water rates due to the board may be recovered by suit in the name of the board as a debt due to the board.

(2) In any suit the water rates record shall be *prima facie* evidence of the debt, and of the facts therein set down.

R.S.S. 1978, c.S-56, s.37.

In default of payment board may levy costs by distress

38(1) Where moneys owing to Her Majesty or the board under an agreement for the supplying of water to land for irrigation, domestic, or other purposes, are not paid within thirty days from the mailing of a notice to pay addressed to the person, who according to the records of the board, is responsible for payment of the money as shown by the records, the board may by itself or its agent levy the same with costs by distress:

(a) upon all goods and chattels situated within the area served by the irrigation system and works or any extension or addition thereto belonging to the owner, purchaser, lessee or occupant or occupier of the land or any of them (each of which persons shall hereinafter be included in the term “**any person benefited**”); or

(b) upon the interest of any person benefited in any goods or chattels found on the land, including his interest in any goods or chattels to the possession of which he is entitled under a contract by which he may become the owner thereof upon performance of any condition.

(2) The time of mailing and the form of the notice shall be prescribed by the regulations.

R.S.S. 1978, c.S-56, s.38.

Additional powers for collection of rates and charges

39 The water rates and service charges set out in sections 28 and 30 are deemed to be taxes for the purposes of *The Tax Enforcement Act* and the board and its officers shall have all the rights and responsibilities for the collection of arrears of water rates and service charges as are prescribed for a rural municipality and its officers for the collection of arrears of taxes under that Act.

R.S.S. 1978, c.S-56, s.39.

GENERAL**Liabilities**

40 The board, the members of the board, the minister, the Saskatchewan Water Corporation and the officers and employees of that corporation are not liable for:

(a) accidents incurred by persons while utilizing the irrigation system or works for such activities as swimming, boating, skiing, fishing or any other form of activity or recreation on or in the works of the district; or

(b) the loss of any “animal”, as defined in *The Stray Animals Act*, in or by reason of the irrigation system or the works.

R.S.S. 1978, c.S-56, s.40; 1983-84, c.63, s.12.

Minister may delegate powers, etc.

40.1 The minister may delegate to the Saskatchewan Water Corporation any of his powers, duties or functions pursuant to this Act.

1983-84, c.63, s.12.

Prevention of drifting or blowing of soil

41 Where in the opinion of the board:

(a) a ditch is likely to be obstructed or otherwise injured by soil drifting or blowing thereinto from any land; and

(b) the occupier, or if there is no occupier the owner, of the land has failed to take reasonable precautions to prevent the drifting or blowing;

the board without further or other authority may enter upon the land and take all reasonable action upon the land to prevent or lessen the drifting or blowing.

R.S.S. 1978, c.S-56, s.41.

Action of minister on default of board

42 Where an appointment, act or thing is directed by this Act to be made or done by a board or an officer thereof, and it is not made or done, or is improperly or ineffectually made or done, the minister may make the appointment or do the act or thing with the same effect as if it had been made or done or had been properly or effectually made or done by the board or the officer.

R.S.S. 1978, c.S-56, s.42.

Additional staff

43 Upon the request of the minister the Public Service Commission may appoint or assign such officers and other staff as may be required from time to time to:

(a) consider and deal with applications for loans, administering loans made under this Act and providing for or arranging for the provision of adequate supervision of loans made or guaranteed under this Act and such management and technical advice as may be considered desirable in assisting a borrower in the development of his farming enterprise and in the repayment of a loan;

(b) review programs and program proposals, administrative and financial procedures and policies, and generally to inquire into the conduct of the affairs of the district.

R.S.S. 1978, c.S-56, s.43.

Annual report

44(1) In each fiscal year, the board, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister:

- (a) a report of the board on its business for its preceding fiscal year; and
- (b) a financial statement showing the business of the board for its preceding fiscal year.

(2) The financial statement mentioned in subsection (1) is to be in the form required by Treasury Board.

(3) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Assembly each report and financial statement received by the minister pursuant to subsection (1).

1991, c.T-1.1, s.46.

PENALTIES**Penalty for interference with work**

45 A person who interferes, molests or hinders in his work a person lawfully engaged in carrying out any of the provisions of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding two months, or to both fine and imprisonment.

R.S.S. 1978, c.S-56, s.45.

Interference with works an offence

46 A person who carelessly or wilfully or without authority:

- (a) tampers with any weir or gate;
- (b) takes or diverts water from any of the works of the district; or
- (c) does anything that may interfere in any way with the flow of water in, into, through or from the works of the district;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$200, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

R.S.S. 1978, c.S-56, s.46.

Penalty for breaking, etc., irrigation works

47(1) A person who carelessly or wilfully breaks, cuts or fills up or otherwise injures any irrigation work is guilty of an offence and liable upon summary conviction to a fine not exceeding \$100 and in default of payment to imprisonment for a term not exceeding two months.

(2) The provincial magistrate or justice of the peace who hears a charge under this section may further order the offender to repair forthwith any damage caused or remove any obstruction erected by him.

(3) The board may undertake, in whole or in part, the remedial work that in their estimation is required to restore the irrigation works and upon the issue of an order under subsection (2) recover the costs of the restoration from the offender.

R.S.S. 1978, c.S-56, s.47.

Penalty for depositing filth, etc., in canal

48 A person who:

- (a) deposits or causes or allows to be deposited along the bank of any irrigation canal or ditch; or
- (b) deposits or throws into any irrigation canal or ditch; any filthy, impure or deleterious matter or substance of any kind;

is guilty of an offence and liable upon summary conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding two months, or to both fine and imprisonment.

R.S.S. 1978, c.S-56, s.48.

Regulations

49 for the purpose of carrying out the provisions of this Act according to their intent and for supplying any deficiency therein, the Lieutenant Governor in Council may make regulations, not inconsistent with the spirit of this Act, and without limiting the generality of the foregoing, may make regulations:

- (a) prescribing the manner of giving notice to owners whose lands are included in a district;
- (b) regarding the procedures to be followed:
 - (i) in the addition to or withdrawal of lands from a district; and
 - (ii) in the disestablishment of a district;
- (c) defining terms and expressions used in this Act including the terms: farmer, irrigation system, lessee, occupant, occupier, owner, parcel, parcel of land, purchaser, water user and works;
- (d) respecting the use and disposal of lands acquired for or in respect of the project;
- (e) respecting the lease or transfer of land to the board;
- (f) providing for such other matters and things as may be deemed desirable for the better carrying out of the provisions of this Act according to their true intent.

R.S.S. 1978, c.S-56, s.49.

50 Repealed. 1989-90, c.54, s.5.